

TO: House Judiciary Committee Members

FROM: Darrel R. Hoffman, BA in MUS, CUM LAUDE, CAA

PURPOSE: Additional Testimony in regards to HB 5679

DATE: May 23, 2020

Honorable Members of This Committee, Mr. Chairman:

My name is Darrel R. Hoffman and I wish to supplement my previous testimony after listening to the testimony given thus far before the Committee. Since it is not guaranteed that I will be able to appear in person before the Committee, which is my first desire, I humbly submit this supplement to my original testimony of May 6, 2020. I have three basic points I wish to share with you:

1) Any bill passed by this Legislature in regards to registration of sex offenders MUST have provisions against discrimination in employment, housing, education, and religion.

At this point of time, there are no laws forbidding the discrimination against a person because of a criminal history and especially a sex offender, which companies, government entities, rental agents for housing, and houses of worship use as an excuse to discriminate. They don't even try to hide that fact. The State's Civil Rights act has no provision or remedies to prevent the discrimination against such individuals, and the aforementioned entities use this to full advantage. Much of this does have to do with our very in adequate tort laws, which allows victims to sue companies, churches, schools, etc. for the bad acts of those whom they employ or allow to participate in their organizations. This cannot be continued, for these places are NOT responsible for the actions of individuals and nor can they be. You cannot punish a company, church, school, etc. for the actions of individuals. It is illogical and is forbidden in the Bible. Tort laws need to be changed to where the person who commits the bad acts is responsible for those acts and no others. It's time to dry up that money pool for greedy lawyers and plaintiffs who look for a quick dollar in this matter.

2) Any bill passed by this Legislature in regards to registration of sex offenders needs to include a real and genuine path to discharge from the Registry.

Here is where I disagree with some of the testimony given by the PhD's who say they are "authorities" on this matter. So-called "risks factors or evaluations" do not work and are at best guess work done by psychologists. People are individuals who have freewill and choice and evil, sinful deeds come from within the heart. It is the heart or soul, if you prefer, that needs to change and only Christ can do that. Risk evaluations are used by the Parole Board to judge whether or not a person is safe for release and I don't have to tell you how many times someone got out after doing time for armed robbery or some form of murder only to commit a new crime. Those risk factors are used as an excuse to deny parole to sex offenders, although statistics have proven this group is the most least likely to re-offend with a new sex offense especially after having the sex offender group therapy. The best way to gauge re-offense is time. You all know that experts have said that IF a person is going to re-offend, it usually is within the first three

years of release from prison or parole. This is very true. I know many former sex offenders who have been out for years, even decades, without re-offense. I can name some right now: Mr. Jimmy Sabin- 20 years, no new offense, Mr. Wayne Wallace-15 years without re-offense, Mr. Robert Lange- 18 years, no new offense. Even I, who will be out 12 years this August 16th, is offense-free. However, the problem is with all I have mentioned, we are on a life-time registration, actually doing more time (for that is what we are doing-time) than our original sentences called for. The Legislature along with the U.S. Congress have made it a crime to be a sex offender and the punishment is being placed on SORA and for most, for life. It is a shame that SCOTUS refuses to see the true nature of these laws saying this isn't a punishment, However, as it is said that a rose by any other name is still a rose, the same is true with SORA. Life-time probation by any other name is STILL life-time probation, and THAT is a traditional punishment. So, there needs to be a means where the registrant can be released from the SORA and that should be after 10 years of being released from prison, parole, or probation, with proof of successful completion of sex offender group therapy and good behavior such as having NO official complaints filed and/or investigations done. If the registrant meets these requirements, the Court IS to remove that person from the registry and the record permanently sealed. 10 years is long enough for a person to prove he or she is no longer a threat.

3) Any bill passed by this Legislature in regards to registration of sex offenders needs to include recourses and remedies a registrant can use against those who abuse SORA to harm individuals.

At this point in time, there are no remedies or redress a registrant can use against those who use SORA to find them and bring harm. A registrant cannot even look to see who is viewing their information and using it for vigilante purposes such as downloading their profile for distribution around their area, informing employers, housing rental agents and landlords, or downloading it on social media. Registrants have been assaulted, kicked off from social media, fired from jobs, evicted from apartments, been denied educational opportunities, driven from churches, ostracized from loved ones, and even murdered, because someone felt the need to look the registrant up on SORA and use that information to bring harm. I had a woman come into my doctor's office two years ago, who just moved into the area, bragging how she viewed SORA to find the sex offenders near her and found one two doors down from her. She bragged how she printed the information off, went down to his house, knocked on the door, and threatened him if she saw him near her children. I'm sorry, but I had to say something to her about that. I informed her that what she did was NOT the purpose of SORA, that it was only meant for her personal information to make her aware that a sex offender was near her, not for her to go threaten people. She said she didn't care that if a pervert was living near her, she was going to threaten them. She informed me in front of everyone there on how she was going to go through the area, to all the registrants there and do the same thing. This is NOT an isolated incident. This story is repeated over a thousand times a day and with no recourse or remedy to punish those who do such things, we are defenseless. The same thing is true when it comes to employment, housing, and education. I have already told this Committee about Michigan State refusing to re-admit me for classes to finish my degree back in 2008 when I was ready to leave prison, because I am a registered sex offender. Yet, unbeknownst to me, Larry Nassar was employed there doing his evil to little girls and we all know about that story now and those who covered for him. Now the story is coming out about the University of Michigan having the same problem with a now deceased doctor in their athletic department and the University is set to pay out thousands of

dollars to victim, but deny entrance to education to registrants. The point is that no one can stop a person from committing such crimes if that individual chooses to do so, but once that person is caught and punished, that should be the end of it. Registrants should NOT have to pay for the rest of their lives crimes they were already punished for by the Courts and society doesn't have the right to turn around and punish them more on their own just because they don't like the nature of the crime. To allow such corrupts justice and as I've already said before, encourages vigilantism (like those who go around and call themselves "pedophile hunters"), which is illegal. There has to be remedies and recourses for those who are on the registry to be able to bring consequences against those who have appointed themselves prosecutor, judge, jury, and executioner. The best recourse is to not make SORA public where people can just look up someone because they think a person is a sex offender and they're protecting their child. It has already been stated that SORA does NOT protect anyone, nor does it stop a person from committing a sex crime should that person decide to commit one. All it does is endanger those who are on it and that without recourse when it is abused.

This is my testimony and humble opinion, although I would wish to see an end to SORA altogether. There is a much better remedy than registering people like dogs and exposing them to public shame. Again, I am willing to testify to these statements, and I am honored to have the privilege to present my thoughts to this Honorable Committee.

Respectfully submitted,

Darrel R. Hoffman

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